

STATE OF UTAH
OFFICE OF THE ATTORNEY GENERAL

S/013/008



MARK L. SHURTLEFF
ATTORNEY GENERAL

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MAY 24 2005

DIV OF OIL GAS & MINING

RAYMOND HINTZE
CHIEF DEPUTY

Protecting Utah • Protecting You

KIRK TORGENSEN
CHIEF DEPUTY

May 24, 2005

CERTIFIED RETURN RECEIPT
7099 34000 0016 8894 0572

Mr. Shannon Peatross
Rock-It Stone Works
924 West Hicken Court
P.O. Box 538
Heber City, Utah 84032-0538
Fax: (435) 657-2746

Subject: Failure to File an Appeal or to Pay Penalties for Cessation Order MC-2004-03-01-02,
Rock-It Stone Works, Strawberry River Quarry, S/013/008, Duchesne County, Utah

Dear Mr. Peatross:

On September 10, 2004, the Division of Oil, Gas and Mining issued to you Cessation Order MC-2004-03-01-02. Both parts of this cessation order were later abated and terminated. Penalty assessments associated with this cessation order were mailed to you by certified mail on October 8, 2004, and were returned by the Postal Service as unclaimed after its last delivery attempt on October 24, 2004. A copy of this letter and the associated penalty worksheets is attached.

On November 16, 2004, the Division faxed the penalty assessments to you and re-sent them via regular mail. The Division staff also telephoned and informed you that payment of the assessments was due by November 23, 2004, thirty days from the last delivery attempt by the Postal Service. Division staff informed you that, in the alternative, you could appeal the penalty assessments by the same date, November 23, 2004, in accordance with Utah Administrative Code R647-7-105 and R647-7-106. The deadline for appealing either the assessments or the fact of the cessation orders has long since expired.

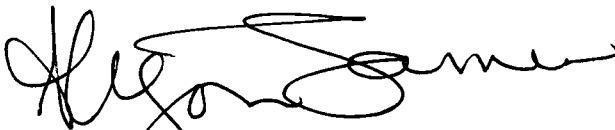
Payment of penalty assessments is now past due. Utah Code Ann. § 40-8-9.1(4) states:

Civil penalties owed under this chapter may be recovered in a civil action brought by the attorney general of Utah at the request of the board in any appropriate district court of the state.

The Division will now immediately proceed with asking the Board of Oil, Gas and Mining to request the Office of the Attorney General to initiate proceedings in district court to recover the civil penalties owed. The Board hearing will likely take place in July. However, you can avoid the Board hearing and district court proceedings by simply paying the penalty assessments you owe, which total \$3960.00.

If you have any questions about this letter, please call me at (801) 538-7227.

Sincerely,

A handwritten signature in black ink, appearing to read 'Alison D. Garner', with a stylized, cursive script.

Alison D. Garner
Assistant Attorney General

Enclosures